

REMARKS

I. Introduction.

Claims 9, 12 and 18-32 are pending and stand rejected. Various claims and groupings of claims within were subjected to separate rejections under 35 U.S.C. Section 103(a).

II. The 35 U.S.C. Section 103(a) Rejections.

A. The Rejection of Claim 9 Over Enoch, and Either Hart or JP 8-216786.

Claim 9 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 5,881,418 issued to Enoch in view of either U.S. Patent 3,316,428 issued to Hart or JP 8-126786.

The Office Action states that the patent to Enoch discloses a hand-held scrubbing device comprising a casing having a generally wand-like shape wherein the device is configured to have an axis thereof that passes through the scrubbing member. The Office Action states that the patent to Enoch discloses the invention substantially as claimed with the exception of the vibration buffer. The Office Action states that one of ordinary skill would deem it obvious to have provided a vibration buffer as evidenced by Hart and JP '786 to minimize unwanted vibrations to the user's hand.

Applicants respectfully request that this rejection be reconsidered and withdrawn. The Enoch patent specifies in Col. 2, lines 54-56, that "[t]he diameter of the sponge element is preferably about the same as the diameter of handle 10, e.g., about two and one quarter inches. Among other things, the combination of references cited does not teach or disclose, and thus does not render obvious a scrubbing device having a scrubbing surface that has a width that is larger than the width of the waterproof casing as specified in amended Claim 9.

B. The Rejection of Claim 19 Over Enoch in view of Ferguson, et al.

Claim 19 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 5,881,418 issued to Enoch in view of U.S. Patent 3,272,023 issued to Ferguson, et al.

The Office Action states that the patent to Enoch discloses the invention substantially as claimed with the exception of the particular motor activator. The Office Action states that the patent to Ferguson discloses a hand-operated motor driven device as well as a motor activator in the form of a pushbutton switch where the switch is opened upon the removal of digital pressure therefrom. The Office Action states that it would have been obvious to one of ordinary skill to have substituted any known motor switch known in the art for the one of Enoch.

Applicants respectfully request that this rejection be reconsidered and withdrawn. Among other things, the combination of references cited does not teach or disclose, and thus does not render obvious a scrubbing device having a scrubbing device having a scrubbing surface that has a width that is larger than the width of the waterproof casing as specified in amended Claim 19.

C. Claims 12, 18, 20-22 and 26-32.

Claims 12, 18, 20-22 and 26-32 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Enoch in view of U.S. Patent 5,507,968 issued to Palaikis.

The Office Action states that the patent to Enoch discloses the invention substantially as claimed with the exception of: (1) the scrubbing surface including a "controlled release technology (claim 12); and (2) the scrubbing surface comprising a non-woven fabric (claim 18). The Office Action states that the patent to Palaikis discloses a cleaning material/pad which may be any number of different materials including sponge as well as non-woven fabrics and which cleaning pads include a "controlled release technology". The Office Action states that it would have been obvious to one of ordinary skill to have modified the scrubbing member of Enoch as suggested by Palaikis so as to slowly reduce the detergent therein and because Palaikis further teaches that the art recognized that sponges and non-woven fabrics may be interchanged.

Applicants respectfully request that this rejection be reconsidered and withdrawn. Among other things, the combination of references cited does not teach or disclose, and thus does not render obvious a scrubbing device having a scrubbing surface that has a width that is larger than the width of the waterproof casing as specified in amended Claims 12 and 18, and Claims 20-22 and 26-32 that are directly or indirectly dependent from Claim 18.

The Office Action states that with regard to the specific detergent in Claims 30-32, the subject matter of Claims 30-32 is not asserted to be novel and merely exemplary detergents desired to be used in the claimed invention. The Office Action states that it is further noted that applicant did not argue these claims on their own merit and only argued the independent claim 18 from which they depend.

Applicants respectfully request that the rejection of Claims 30-32 be reconsidered and withdrawn. In evaluating claims for patentability, all limitations of the claim must be evaluated. Section 103 of 35 U.S.C. provides that:

A patent may not be obtained . . . if the differences between the subject matter sought to be patented and the prior art are such that the *subject matter as a whole* would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains . . . (Emphasis added)

The combination of references does not set forth a *prima facie* case of obviousness with respect to Claims 30-32 because the rejection ignores claimed subject matter in those claims that is absent from the references. The Enoch reference only teaches a device with a storage chamber for a liquid detergent. The Palaikis reference teaches a cleansing article comprising a porous pad which includes a controlled detergent release composition comprising a blend of polyacrylamide and detergent. Neither reference teaches or discloses: the kit of Claim 30 wherein the cleaning composition comprises a bleach; the kit of Claim 31 wherein the cleaning composition has a pH of more than about 11; or the kit of Claim 32 wherein the cleaning composition comprises from about 2% to about 20% of a pre-formed peracid bleach, and wherein the cleaning composition has a pH of less than about 7. Further, it is incorrect to include as part of the rejection that Claims 30-32 are not asserted to be novel. There is no requirement under the patent laws or regulations that patent Applicants have to separately state that each claim is considered to be novel, or, for that matter, that any claim is considered to be novel. Applicants believe that all the claims presented are novel.

D. Claim 24.

Claim 24 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Enoch in view of U.S. Patent 5,507,968 issued to Palaikis as applied to Claim 18, and further in view of U.S. Patent 5,423,102 issued to Madison.

The Office Action states that the patent to Enoch discloses the invention substantially as claimed with the exception of a rechargeable battery. The Office Action states that the patent to Madison discloses a battery which may be charged with a charging port. The Office Action concludes that it would have been obvious to one of ordinary skill to have modified the device of Enoch as such so that the batteries need not be replaced.

Applicants respectfully request that this rejection be reconsidered and withdrawn. Among other things, the combination of references cited does not teach or disclose, and thus does not render obvious a scrubbing device having a scrubbing surface that has a width that is larger than the width of the waterproof casing as specified in amended Claim 24.

E. Claim 9.

Claim 9 was subjected to a second rejection under 35 U.S.C. Section 103(a). In this second rejection, Claim 9 was rejected as being unpatentable over U.S. Patent 5,423,102 issued to Madison in view of U.S. Patent 4,724,563 issued to Fry, et al., and further in view of U.S. Patent 3,316,428 issued to Hart or JP 8-126786.

The Office Action states that the patent to Madison discloses that the cleaning device is used with a cleaning fluid but fails to specifically state that the housing is waterproof. The Office Action states that the concept of providing a waterproof or water tight housing is well known in the art and is taught by Fry. The Office Action states that it would have been obvious to one of ordinary skill to have modified the device of Madison as taught by Fry to minimize the chance [sic] of water or cleaning fluid damaging the contents of the casing. The Office Action further states "with regard to the vibration buffer, pretty much any device with a motor located within a hand-held casing would at least attempt to limit vibrations of the hand held portion. Evidence of this is found in both Hart and JP '786, as described above."

Applicants respectfully request that this rejection be reconsidered and withdrawn. Among other things, the combination of references cited does not teach or disclose, and thus does not render obvious a scrubbing device having a scrubbing surface that has a width that is larger than the width of the waterproof casing as specified in amended Claim 9.

F. The Rejection of Claim 19.

Claim 19 was subjected to a second rejection under 35 U.S.C. Section 103(a). In this second rejection, Claim 19 was rejected as being unpatentable over U.S. Patent 5,423,102 issued to Madison in view of U.S. Patent 4,724,563 issued to Fry, et al., and further in view of U.S. Patent 3,272,023 issued to Ferguson, et al.

The Office Action states that the prior art discloses the invention substantially as claimed with the exception of the nature of the motor actuator. The Office Action states that the patent to Ferguson discloses a hand-operated motor-driven device as well as a motor activator in the form of a push button switch where the switch is opened upon the removal of digital pressure therefrom. The Office Action states that it would have been obvious to one of ordinary skill to have substituted any known motor switch known in the art for the one of Madison.

Applicants respectfully request that this rejection be reconsidered and withdrawn. Neither the Madison reference, nor the Fry, et al. reference recognizes the problem of unwanted vibrations. The Hart reference is directed to a portable rotary tool for removing accumulations of lint from textile machinery. Because the references are directed to completely different problems, and there is no teaching or suggestion in the Madison reference or the Fry, et al. reference of the problem of unwanted vibrations, the combination of references is improper, and should be withdrawn. In addition, among other things, the combination of references cited does not teach or disclose, and thus does not render obvious a scrubbing device having a scrubbing surface that has a width that is larger than the width of the waterproof casing as specified in amended Claim 19.

G. The Rejection of Claim 9 Over Lanusse in View of Fry, et al. and Further in View of Hart or JP-8-126786.

Claim 9 was further rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 3,943,591 issued to Lanusse in view of U.S. Patent 4,724,563 issued to Fry, et al. and further in view of either U.S. Patent 3,316,428 issued to Hart or JP 8-126786.

The Office Action states that the patent to Lanusse discloses a cleaning device comprising an interior area comprising a motor, battery, dispensing chamber, orifice for supplying a cleaning fluid, dispensing activator, and scrubbing surface. The Office Action states that the embodiment of figure 3 has a generally wand-like configuration and is said to have particular utility for cleaning dishes or the like and scouring pans. The Office Action further states that "[t]his embodiment has all of the elements of figure 1 and differs only in the external shape thereof." The Office Action states that the concept of providing a waterproof housing for a powered cleaning device is well known in the art and is taught by Fry, and it would have been obvious to modify the device of Lanusse as such to minimize any water damage to the internal components.

Applicants respectfully request that this rejection be reconsidered and withdrawn. Among other things, the combination of references cited does not teach or disclose, and thus does not render obvious a scrubbing device having a scrubbing surface at least indirectly mechanically linked with the electromechanical motor, wherein said scrubbing surface comprises a nonwoven fabric and has a width that is larger than the width of the waterproof casing as specified in amended Claim 9.

H. The Rejection of Claims 18 and 20-32.

Claims 18 and 20-32 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 5,423,102 issued to Madison in view of U.S. Patent 4,724,563 issued to Fry, et al. and U.S. Patent 5,507,968 issued to Palaikis.

The Office Action states that the patent to Madison as modified by Fry discloses the invention substantially as claimed with the exception of the scrubbing surface being a non-woven fabric. The Office Action states that the use of non-woven fabrics for the purpose of providing a scrubbing/cleaning surface is well known in the cleaning art (reference being made to Palaikis)

and the provision of another and different cleaning surface to the device of Madison would have been obvious to one of ordinary skill to suit the particular intended use.

Applicants respectfully request that this rejection be reconsidered and withdrawn. Among other things, the combination of references cited does not teach or disclose, and thus does not render obvious a scrubbing device having a scrubbing surface that has a width that is larger than the width of the waterproof casing as specified in amended Claim 18, and Claims 20-32 that are directly or indirectly dependent from Claim 18.

III. Response to Applicants' Arguments.


The Office Action states, in response to Applicants' arguments in their Amendment dated 10/6/04, among other things, that "[t]he application was not at all concerned with the particular nature of the scrubbing surface" and "Applicant may find it difficult to argue criticality of this feature when the specification does not support such an argument."

The Applicants respectfully disagree. It is only necessary that the specification describe the claimed subject matter. There is no requirement in the patent laws, or regulations, that requires an applicant for a patent to attach any particular "criticality" or importance to any of the elements of a claim for the claim to be patentable.

IV. Summary.

In view of the foregoing, reconsideration of the rejections and allowance of all claims are respectfully requested.

Respectfully submitted,
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